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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CHRIS CASILLI

Appeal 2016-005458
Application 13/549,060
Technology Center 2100

Before ELENI MANTIS MERCADER, CARL W. WHITEHEAD JR., and ADAM J. PYONIN, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

Appellant's claimed invention is directed to "receiving point data from [a] building automation system" and "identifying a plurality of components of the building automation system based on the point data . . . and generating a model of the building automation system based on the point data" (Abstract).

CLAIMED SUBJECT MATTER

Independent claim 1, reproduced below, is representative of the claimed subject matter:

> 1. A method of controlling a building automation system, the building automation system including a plurality of components and each of the plurality of components having point data associated therewith, the method comprising:
>
> establishing communications between a mobile computing device and a building automation network of the building automation system; and
>
> generating a model of the building automation system based on point data queried in real-time from at least one component of the building automation system via the building automation network;
>
> the point data identifying the plurality of components of the building automation system.

REFERENCES and REJECTIONS ON APPEAL

Claims 1, 8, 9, 12, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nixon et al. (US 2007/0179645 A1; Aug. 2, 2007) in view of Fairless (US 2006/0065750 A1; Mar. 30, 2006). Final Act. 2.

Claims 2–7, 10, 11, and 13–15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nixon in view of Fairless, and further in view of Singhal et al. (US 2008/0231437 A1; Sept. 25, 2008). Final Act. 7.

Claims 17–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Singhal in view of Fairless. Final Act. 12.

ISSUES

The issues are whether the Examiner erred in finding the combination of Nixon and Fairless discloses or suggests:

1. "generating a model of the building automation system based on point data queried in real-time from at least one component of the building automation system via the building automation network" and "the point data identifying the plurality of components of the building automation system," as recited in claim 1;
2. "the mobile computing device configured to receive point data queried from a component of the building automation system in real time, identify the plurality of components based on the received point data, and generate a model of the building automation system based on the received point data," as recited in claim 9; and

3. "generating a model of the building automation system in the mobile computing device based at least in part on received point data queried in real time from a component of the building automation system," as recited in claim 17.

ANALYSIS

Appellant argues the Examiner erred in finding the combination of Nixon and Fairless discloses or suggests "generating a model of the building automation system based on point data queried in real-time from at least one component of the building automation system via the building automation network" and "the point data identifying the plurality of components of the building automation system," as recited in claim 1 (App. Br. 7). Appellant contends "*Nixon* merely teaches the use of a tool 120 utilizing stencil items 420 for configuring the process control network, and to ensure that the process control network corresponds to a desired standard protocol" (App. Br. 8, citing Nixon ¶ 32). Appellant additionally contends that "nothing in *Fairless* discloses generating a model of a building automation system, much less generating one based on point data queried in real-time" (App. Br. 10).

We are not persuaded by Appellant's arguments. The Examiner finds, and we agree, that "Fairless teaches generating a model of the building automation system based on point data queried in real-time from at least one component of the building automation system via the building automation network" because "paragraph 0035-006 [sic] and abstract describe collecting 'real-time data' and 'generating model' based on real-time data of the building automation system via the building automation network" (Final

Act. 4). The cited portion of Fairless describes a system that is "configured to acquire operational data and system performance information, for example, through existing building management systems or specific system sensors" (Fairless ¶ 35) and the data is applied to "a web-based reporting system and system equipment models to [] objectively measure real-time system efficiencies" (Fairless ¶¶ 35–36). Appellant fails to point to any definition of a "model of the building automation system" in the Specification that would rebut the Examiner's reasonable interpretation that a "model of the building automation system" encompasses Fairless's "system equipment models to objectively measure real-time system efficiencies."[1]

Accordingly, we sustain the Examiner's rejection of independent claim 1 and independent claim 9 not separately argued (*see* App. Br. 10, Reply Br. 7), as well as dependent claims 2–8 and 10–16 not separately argued (*see* App. Br. 10, Reply Br. 7).

Appellant repeats similar arguments with respect to independent claims 1 and 9 for independent claim 17 (*see* App. Br. 11–12, Reply Br. 7). Accordingly, we also affirm the Examiner's rejections for these claims for the same reasons as stated above.

[1] We additionally note that Fairless also teaches or suggests determining "setpoints at which certain equipment of the HVAC system should be operated at a future time" (Abstract), in which the determination of the setpoints would require a model of the building automation system.

CONCLUSION

The Examiner did not err in finding the combination of Nixon and Fairless discloses or suggests:

1. "generating a model of the building automation system based on point data queried in real-time from at least one component of the building automation system via the building automation network" and "the point data identifying the plurality of components of the building automation system," as recited in claim 1;
2. "the mobile computing device configured to receive point data queried from a component of the building automation system in real time, identify the plurality of components based on the received point data, and generate a model of the building automation system based on the received point data," as recited in claim 9; and
3. "generating a model of the building automation system in the mobile computing device based at least in part on received point data queried in real time from a component of the building automation system," as recited in claim 17.

DECISION

The Examiner's decision rejecting claims 1–20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED